

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

ADAM S. LEVY on behalf of himself and all others
similarly situated,

Plaintiff,

v.

THOMAS GUTIERREZ, RICHARD J. GAYNOR, RAJA
BAL, J. MICHAL CONAWAY, KATHLEEN A. COTE,
ERNEST L. GODSHALK, MATTHEW E.
MASSENGILL, MARY PETROVICH, ROBERT E.
SWITZ, NOEL G. WATSON, THOMAS WROE, JR.,
MORGAN STANLEY & CO. LLC, GOLDMAN,
SACHS & CO., AND CANACCORD GENUITY INC.,

Defendants.

No. 1:14-cv-00443-JL

ECF CASE

JOINT NOTICE OF PARTIAL SETTLEMENT

TO: All Counsel of Record

PLEASE TAKE NOTICE that Lead Plaintiff Douglas Kurz and Defendants Thomas Gutierrez, Richard J. Gaynor, Kanwardev Raja Singh Bal, Hoil Kim, Daniel Squiller, J. Michal Conaway, Kathleen A. Cote, Ernest L. Godshalk, Matthew E. Massengill, Mary Petrovich, Robert E. Switz, Noel G. Watson and Thomas Wroe, Jr. (collectively, “the GTAT Defendants,” and together with Lead Plaintiff, the “Settling Parties”) respectfully submit this Joint Notice of Partial Settlement.

The Settling Parties advise the Court that they have reached an agreement-in-principle to settle the claims against the GTAT Defendants in the above-captioned action, subject to the

completion of settlement documentation. The Settling Parties expect to present the settlement documentation to the Court by December 15, 2017.

The Settling Parties have agreed among themselves and also request that the Court adjourn indefinitely the GTAT Defendants' deadline to file their Answers to the Consolidated Amended Complaint (Dkt, 87), which are currently due on November 17, 2017 (Dkt. 161). This does not affect any deadlines relevant to Defendant Apple, Inc.

Lead Plaintiff further requests that the Court withhold ruling on Lead Plaintiff's Motion for (I) Preliminary Approval of Underwriter Settlement, (II) Certification of the Underwriter Settlement Class, and (III) Approval of Notice to the Underwriter Settlement Class (Dkt. 158) (the "UW Defendant Preliminary Approval Motion"). Preliminary approval triggers the time within which Lead Plaintiff must send notice of the settlement to potential Class members, the cost of which is paid from the settlement funds. Sending notice to potential Class members of Lead Plaintiff's settlement with the GTAT Defendants and settlement with the Underwriter Defendants together will therefore maximize recovery to the Class. The GTAT Defendants and the Underwriter Defendants do not object to this request.

Dated: November 10, 2017

Respectfully submitted,

**BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP**

/s/ John C. Browne

John C. Browne (admitted *pro hac vice*)
Lauren Ormsbee (admitted *pro hac vice*)
Ross Shikowitz (admitted *pro hac vice*)
1251 Avenue of the Americas
New York, NY 10020
Telephone: (212) 554-1400
Facsimile: (212) 554-1444

Lead Counsel for Lead Plaintiff

ORR & RENO, P.A.

/s/ Jennifer A. Eber

Jennifer A. Eber N.H. Bar No. 8775
Jeffrey C. Spear N.H. Bar No. 14938
45 S. Main Street, PO Box 3550
Concord, NH 03302-3550
Tel: (603) 224-2381
Fax: (603) 224-2318
jeber@orr-reno.com
jspear@orr-reno.com

Liaison Counsel for Lead Plaintiff

MORGAN, LEWIS & BOCKIUS LLP

/s/ Jordan D. Hershman

Jordan D. Hershman (admitted *pro hac vice*)
Jason D. Frank (admitted *pro hac vice*)
William R. Harb (admitted *pro hac vice*)
Emily E. Renshaw (admitted *pro hac vice*)
One Federal Street
Boston, MA 02110-1726
Tel (617) 951-8455
Fax (617) 951-8736
jordan.hershman@morganlewis.com
jason.frank@morganlewis.com
william.harb@morganlewis.com
emily.renshaw@morganlewis.com

*Counsel for Defendants Thomas Gutierrez,
Daniel Squiller, and Richard J. Gaynor*

CULLENCOLLIMORE, PLLC

/s/ Brian J.S. Cullen

Brian J.S. Cullen, Bar No. 11265
10 East Pearl Street
Nashua, NH 03060
Tel (603) 881-5500
bcullen@cullencollimore.com

*Liaison Counsel for Defendants Thomas
Gutierrez, Daniel Squiller, Richard J. Gaynor, J.
Michal Conaway, Kathleen A. Cote, Ernest L.
Godshalk, Matthew E. Massengill, Mary
Petrovich, Robert E. Switz, Noel G. Watson,
Thomas Wroe, Jr., Hoil Kim and Kanwardev
Raja Singh Bal*

WACHTELL, LIPTON, ROSEN & KATZ

/s/ David A. Katz

David A. Katz (*pro hac vice* to be filed)
Kevin S. Schwartz (*pro hac vice* to be filed)
51 West 52nd Street
New York, New York 10019
(Tel) 212-403-1309
DAKatz@wlrk.com
KSchwartz@wlrk.com

*Counsel for Defendants J. Michal Conaway,
Kathleen A. Cote, Ernest L. Godshalk,
Matthew E. Massengill, Mary Petrovich,
Robert E. Switz, Noel G. Watson, and Thomas
Wroe, Jr.*

ROPES & GRAY LLP

/s/ Randall W. Bodner

Randall W. Bodner (*pro hac vice* to be filed)
Daniel O'Connor (*pro hac vice* to be filed)
Gregory L. Demers (*pro hac vice* to be filed)

800 Boylston Street
Boston, MA 02199
Tel: (617) 951-7000
Fax: (617) 951-7050
Randall.Bodner@ropesgray.com
Daniel.OConnor@ropesgray.com
Gregory.Demers@ropesgray.com

Counsel for Defendant Hoil Kim

NUTTER MCCLENNEN & FISH LLP

/s/ Ian D. Roffman

Ian D. Roffman (*pro hac vice* to be filed)
Joseph T. Toomey (*pro hac vice* to be filed)
155 Seaport Blvd.
Boston, MA 02210
Tel: (617) 439-2000
Fax: (317) 310-9000
iroffman@nutter.com
jtoomey@nutter.com

*Counsel for Defendant
Kanwardev Raja Singh Bal*

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of November, 2017, the above Joint Notice of Partial Settlement was electronically served through ECF on all registered attorneys in the case under Civil Action No. 14-cv-00443-JL.

/s/ Jordan D. Hershman
Jordan D. Hershman